



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Adress: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/800,708	03/16/2004	Hiroshi Gotoh	R2184.0306/P306	1766
24598	7590	09/02/2008	EXAMINER	
DICKSTEIN SHAPIRO LLP			SANDERS, AARON J	
1825 EYE STREET NW			ART UNIT	PAPER NUMBER
Washington, DC 20006-5403			2168	
			MAIL DATE	DELIVERY MODE
			09/02/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/800,708	Applicant(s) GOTOH, HIROSHI
	Examiner AARON SANDERS	Art Unit 2168

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED. (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 13 May 2008.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-3,5-8 and 10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-3,5-8 and 10 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
 3) Information Disclosure Statement(s) (PTO-166/08)
 Paper No(s)/Mail Date 04/21/2008
- 4) Interview Summary (PTO-413)
 Paper No(s)/Mail Date. _____
- 5) Notice of Informal Patent Application
 6) Other: _____

DETAILED ACTION

Response to Amendment

The amendment filed 13 May 2008 has been entered. Claims 1-3, 5-8, and 10 are pending. Claims 1-2, 5, 7, and 10 are currently amended. Claims 4 and 9 are cancelled. No claims are new. This action is FINAL, as necessitated by amendment.

Specification

The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed. The following title is suggested: A Client/Server System for Recording Rented Digital Media on a Digital Recording Device.

Claim Rejections - 35 USC § 112, First Paragraph

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1-2, 5, 7, and 10 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claims contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor, at the time the application was filed, had possession of the claimed invention.

As per claim 1, the specification does not appear to disclose that “a client is directly connected to a server via a network.” The term “directly” is broad, and is not limited to a client connected to a server via the Internet, as shown in Fig. 1.

As per claims 1-2, 5, 7, and 10, the specification does not appear to disclose “the characteristic information identifying the information recording medium.” The specification (see e.g. p. 4, ll. 16-18) only says that the client obtains the characteristic information of the recording medium, not that the characteristic information identifies the recording medium.

As per claims 1-2, 5, 7, and 10, the limitation “wherein the other information reproduced by the client is recorded on the information recording medium prior to said providing step” (from claim 1) does not appear in the specification.

As per claim 5, the “processor configured to implement a first part, a second part, and a third part” does not appear in the specification.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 2-3 are rejected under 35 U.S.C. 102(b) as being anticipated by Takano, U.S. 2002/0082917.

2. Takano teaches “*A method of reproducing information using an information recording medium in a client/server system, the method comprising the steps of,*” see par. 2, “content

programs distribution and returning system as well as content programs rental method that allows charging in accordance with usage time period.”

Takano teaches “*connecting a client to each of a first server and a second server via a network,*” see Fig. 1 where the claimed “first server” is the referenced server 101 and the claimed “second server” is the referenced kiosk management server 170.

Takano teaches “*the client obtaining characteristic information of the information recording medium, the characteristic information identifying the information recording medium,*” see Figs. 1, 7, and par. 78, “First, in step S701, a card ID and management information in card 150 are read” where the claimed “client” is the referenced “kiosk returning terminal” 110 and the claimed “characteristic information” is the referenced “card ID.”

Takano teaches “*the client transmitting the characteristic information to the first server,*” see Figs. 1, 13, par. 98, “When the electronic content program is returned at a kiosk returning terminal 110, the user inserts a card, and from the card ID... the user is identified. Thus, the electronic content programs distributing and returning center server [Fig. 1, 101] looks for the user information (FIG. 13) to determine whether the user is a member of the package rental,” and par. 97, “Further, a membership database of the members renting content program information is stored in the form of the user information of FIG. 13, that includes... a card ID,” which shows that the “server” 101 receives the “card ID” from the “client” 110 in order to lookup the member in the table of Fig. 13.

Takano teaches “*the first server obtaining usage information of the information recording medium based on the characteristic information,*” see Fig. 8A and par. 80, “In S801, information from kiosk returning terminal 110 is received. Based on this information, in S802,

whether the card 150 is in a state of renting a content program or not is determined. When it is in the rental state, user name, rental title and the like are obtained from a data base, and usage time period (number of dates) and additional fee are calculated in S803.”

Takano teaches “*the first server transmitting a first information based on the usage information to the second server containing a second information,*” see Fig. 8 and par. 80, “In S806, the data thus prepared is transmitted through kiosk management server 170 to kiosk returning terminal 110” where the claimed “second server” is the referenced “kiosk management server” 170.

Takano teaches “*the second server transmitting the second information to the client in accordance with the first information based on the usage information,*” see Figs. 7-8 and par. 80, “In S805, a customized list is taken out, from preference ID data prepared based on the use history record of the user, from management data recording apparatus 408. In S806, the data thus prepared is transmitted through kiosk management server 170 to kiosk returning terminal 110.”

Takano teaches “*and the client reproducing other information based on the second information received from the second server,*” see Fig. 7, S704, and par. 81, “Returning to FIG. 7, kiosk returning terminal 110 that has received in S703 the information transmitted in S806 displays the data on display unit 203 in S704.”

Takano teaches “*wherein the other information reproduced by the client is recorded on the information recording medium prior to said obtaining step,*” see Fig. 11 and par. 93, “More specifically, management information storing unit 1103 stores... management information (file name, title, due date, a reproduction key, storage location of content program data and the like),” where the claimed “other information” is the referenced “file name, title, due date... and the

Art Unit: 2168

like.” See also Fig. 7, S704, “If necessary, display user name, program title, usage period, additional fee information, return confirmation button, additional fee payment button, customized list,” where the referenced “title” was recorded on the recording medium prior to Fig. 7, S701, see par. 78, “First, in step S701, a card ID and management information in card 150 are read. Card management information stores a title, a rental due date and the like.”

3. Takano teaches “*The method as claimed in claim 2, wherein the client transmits the characteristic information to the first server via the second server,*” see Fig. 7, S702, “Transmit card management information and own terminal information to distribution center via kiosk management server,” where the claimed “first server” is the referenced “distribution center.”

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 5-8, and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Takano, U.S. 2002/0082917, in view of Harada et al., U.S. 2003/0009681.

1. Takano teaches “*A method of reproducing information in a client/server system, the method comprising the steps of,*” see par. 2, “content programs distribution and returning system as well as content programs rental method that allows charging in accordance with usage time period.”

Takano teaches “*providing an information recording medium containing characteristic information and having other information recorded thereon, the characteristic information identifying the information recording medium,*” see Figs. 7, 11, par. 78, “First, in step S701, a card ID and management information in card 150 are read,” par. 91, “The card 150 includes... management information storing unit 1103 recording rental management information,” and par. 93, “More specifically, management information storing unit 1103 stores... management information (file name, title, due date, a reproduction key, storage location of content program data and the like)” where the claimed “characteristic information” is the referenced “card ID” and the claimed “other information” is the referenced “file name, title, due date... and the like.”

Takano teaches “*the client obtaining the characteristic information of the information recording medium,*” see Fig. 7 and par. 78, “First, in step S701, a card ID and management information in card 150 are read” where the claimed “client” is the referenced “kiosk returning terminal” 110.

Takano teaches “*the client transmitting the characteristic information to the server,*” see Figs. 1, 13, par. 98, “When the electronic content program is returned at a kiosk returning terminal 110, the user inserts a card, and from the card ID... the user is identified. Thus, the electronic content programs distributing and returning center server [Fig. 1, 101] looks for the user information (FIG. 13) to determine whether the user is a member of the package rental,” and par. 97, “Further, a membership database of the members renting content program information is stored in the form of the user information of FIG. 13, that includes... a card ID,” which shows that the “server” 101 receives the “card ID” from the “client” 110 in order to lookup the member in the table of Fig. 13.

Takano teaches “*the server obtaining usage information of the information recording medium based on the characteristic information,*” see Fig. 8A and par. 80, “In S801, information from kiosk returning terminal 110 is received. Based on this information, in S802, whether the card 150 is in a state of renting a content program or not is determined. When it is in the rental state, user name, rental title and the like are obtained from a data base, and usage time period (number of dates) and additional fee are calculated in S803.”

Takano teaches “*subsequently, the server, transmitting information based on the usage information to the client,*” see Fig. 7, par. 81, “Returning to FIG. 7, kiosk returning terminal 110 that has received in S703 the information transmitted in S806,” and par. 80, “In S805, a customized list is taken out, from preference ID data prepared based on the use history record of the user, from management data recording apparatus 408. In S806, the data thus prepared is transmitted through kiosk management server 170 to kiosk returning terminal 110.”

Takano teaches “*and subsequently, the client reproducing the other information recorded on the information recording medium in accordance with the information based on the usage information,*” see Fig. 7 and par. 81, “Returning to FIG. 7, kiosk returning terminal 110 that has received in S703 the information transmitted in S806 displays the data on display unit 203 in S704.”

Takano teaches “*wherein the other information reproduced by the client is recorded on the information recording medium prior to said providing step,*” see Fig. 7, S704, “If necessary, display user name, program title, usage period, additional fee information, return confirmation button, additional fee payment button, customized list,” where the referenced “title” was recorded on the recording medium prior to Fig. 7, S701, see par. 78, “First, in step S701, a card

ID and management information in card 150 are read. Card management information stores a title, a rental due date and the like.”

Takano does not teach “*providing the client/server system where a client is directly connected to a server via a network.*” Harada does, however, see Figs. 1-2 and par. 104, “The digital work protection system 100, as shown in FIG. 1, is composed of a content distribution server apparatus 200, a personal computer (PC) 300, a portable memory card 400, and a headphone stereo 500. The PC 300 is connected to the content distribution server apparatus 200 via the Internet 10.” Thus, it would have been obvious to one of ordinary skill in the database art at the time of the invention to combine the teachings of the cited references because Harada’s teachings would have allowed Takano’s method to make hacking more difficult, see pars. 13-14.

5. Takano teaches “*A server providing information to a client using an information recording medium in response to a request of the client, the server comprising,*” see Fig. 1, “*“Electronic Content Programs Distributing and Returning Center Server” 101.*

Takano teaches “*a storage part configured to store a program,*” see Fig. 4 and par. 71, “*a large capacity storing apparatus 406 implemented by a hard disc and storing content programs data.*”

Takano teaches “*and a processor configured to implement a first part, a second part, and a third part in accordance with the program,*” see Fig. 4 and par. 71, “*a control unit 402 including a CPU.*”

Takano teaches “*and wherein a first part is configured to receive characteristic information of the information recording medium from the client, the characteristic information identifying the information recording medium,*” see Figs. 1, 8A, 13, par. 80, “*In S801,*

information from kiosk returning terminal 110 is received,” par. 98, “When the electronic content program is returned at a kiosk returning terminal 110, the user inserts a card, and from the card ID... the user is identified. Thus, the electronic content programs distributing and returning center server [Fig. 1, 101] looks for the user information (FIG. 13) to determine whether the user is a member of the package rental,” and par. 97, “Further, a membership database of the members renting content program information is stored in the form of the user information of FIG. 13, that includes... a card ID,” which shows that the “server” 101 receives the “card ID” from the “client” 110 in order to lookup the member in the table of Fig. 13.

Takano teaches “*a second part is configured to obtain usage information of the information recording medium based on the characteristic information*,” see Fig. 8A and par. 80, “When it is in the rental state, user name, rental title and the like are obtained from a data base, and usage time period (number of dates) and additional fee are calculated in S803.”

Takano teaches “*a third part is configured to transmit to the client authentication information on authorization of reproduction of information from the information recording medium based on the usage information, to enable the reproduction of said authentication information from the information recording medium*,” see Fig. 1 and par. 85, “When the title to be rented is determined, card information is transmitted to electronic content programs distributing and returning center server 101 in S934, user authentication is performed, payment of rental fee takes place and, thereafter, through large capacity communication unit 301, data is read and recorded on the card 150 from the electronic content programs distributing and returning center server 101.”

Takano teaches “*and other information reproduced by the client is recorded on the information recording medium before the first part receives the characteristic information,*” see Fig. 11 and par. 93, “More specifically, management information storing unit 1103 stores... management information (file name, title, due date, a reproduction key, storage location of content program data and the like),” where the claimed “other information” is the referenced “file name, title, due date... and the like.” See also Fig. 7, S704, “If necessary, display user name, program title, usage period, additional fee information, return confirmation button, additional fee payment button, customized list,” where the referenced “title” was recorded on the recording medium prior to Fig. 7, S701, see par. 78, “First, in step S701, a card ID and management information in card 150 are read. Card management information stores a title, a rental due date and the like.”

Takano does not teach “*wherein the client is directly connected to a server via a network.*” Harada does, however, see Figs. 1-2 and par. 104, “The digital work protection system 100, as shown in FIG. 1, is composed of a content distribution server apparatus 200, a personal computer (PC) 300, a portable memory card 400, and a headphone stereo 500. The PC 300 is connected to the content distribution server apparatus 200 via the Internet 10.” Thus, it would have been obvious to one of ordinary skill in the database art at the time of the invention to combine the teachings of the cited references because Harada’s teachings would have allowed Takano’s method to make hacking more difficult, see pars. 13-14.

6. Takano teaches “*The server as claimed in claim 5, wherein the processor is configured to further implement a fourth part and a fifth part, the fourth part is configured to receive from the client the characteristic information of the information recording medium and notification*

Art Unit: 2168

requesting stoppage of usage of the characteristic information," see par. 82, "When kiosk returning terminal 110 confirms whether content programs erasing process may be executed or not to electronic content programs distributing and returning center server 101 (via kiosk management server) in S720, electronic content programs distributing and returning center server 101 receives return confirmation information in S811. When return condition is satisfied, the center server instructs erasure of the content program in S812. In response, kiosk returning terminal 110 performs content program erasing process in S721. Content program erasure refers to overwriting of card management information so as to make it impossible to read the content program" where the claimed "characteristic information" is the referenced "card management information" and the claimed "client" is the referenced "kiosk returning terminal."

Takano teaches "*and the fifth part is configured to delete the usage information of the information recording medium based on the characteristic information,*" see par. 82, "Content program erasure refers to overwriting of card management information so as to make it impossible to read the content program" where the claimed "characteristic information" is the referenced "card management information" and the claimed "usage information", as shown in par. 78, "Card management information stores a title, a rental due date and the like", is included in the referenced "card management information."

7. Takano teaches, "*A computer-readable recording medium, comprising: a part for storing a program for causing a computer to execute a method, the method comprising the steps of,*" see Fig. 4 and par. 55, "Electronic content programs distributing and returning center server 101 incorporates a program for distributing and returning electronic content programs on a server computer."

Takano teaches “*(a) receiving, based on a request of a client... using an information recording medium, characteristic information of the information recording medium from the client, the characteristic information identifying the information recording medium,*” see Figs. 1, 8A, 13, par. 80, “In S801, information from kiosk returning terminal 110 is received,” par. 98, “When the electronic content program is returned at a kiosk returning terminal 110, the user inserts a card, and from the card ID... the user is identified. Thus, the electronic content programs distributing and returning center server [Fig. 1, 101] looks for the user information (FIG. 13) to determine whether the user is a member of the package rental,” and par. 97, “Further, a membership database of the members renting content program information is stored in the form of the user information of FIG. 13, that includes... a card ID,” which shows that the “server” 101 receives the “card ID” from the “client” 110 in order to lookup the member in the table of Fig. 13.

Takano teaches “*(b) obtaining usage information of the information recording medium based on the characteristic information,*” see Fig. 8A and par. 80, “When it is in the rental state, user name, rental title and the like are obtained from a data base, and usage time period (number of dates) and additional fee are calculated in S803.”

Takano teaches “*and (c) transmitting to the client authentication information on authorization of reproduction of information from the information recording medium based on the usage information, and thereby enabling the reproduction of said authentication information from the information recording medium,*” see Fig. 1 and par. 85, “When the title to be rented is determined, card information is transmitted to electronic content programs distributing and returning center server 101 in S934, user authentication is performed, payment of rental fee takes

place and, thereafter, through large capacity communication unit 301, data is read and recorded on the card 150 from the electronic content programs distributing and returning center server 101.”

Takano teaches “*wherein other information reproduced by the client is recorded on the information recording medium before the characteristic information is received,*” see Fig. 11 and par. 93, “More specifically, management information storing unit 1103 stores... management information (file name, title, due date, a reproduction key, storage location of content program data and the like),” where the claimed “other information” is the referenced “file name, title, due date... and the like.” See also Fig. 7, S704, “If necessary, display user name, program title, usage period, additional fee information, return confirmation button, additional fee payment button, customized list,” where the referenced “title” was recorded on the recording medium prior to Fig. 7, S701, see par. 78, “First, in step S701, a card ID and management information in card 150 are read. Card management information stores a title, a rental due date and the like.”

Takano does not teach “*a client, directly connected to a server via a network.*” Harada does, however, see Figs. 1-2 and par. 104, “The digital work protection system 100, as shown in FIG. 1, is composed of a content distribution server apparatus 200, a personal computer (PC) 300, a portable memory card 400, and a headphone stereo 500. The PC 300 is connected to the content distribution server apparatus 200 via the Internet 10.” Thus, it would have been obvious to one of ordinary skill in the database art at the time of the invention to combine the teachings of the cited references because Harada’s teachings would have allowed Takano’s method to make hacking more difficult, see pars. 13-14.

8. Takano teaches “*The computer-readable recording medium as claimed in claim 7, wherein the method further comprises the steps of: (d) receiving from the client the characteristic information of the information recording medium and notification requesting stoppage of usage of the characteristic information,*” see par. 82, “When kiosk returning terminal 110 confirms whether content programs erasing process may be executed or not to electronic content programs distributing and returning center server 101 (via kiosk management server) in S720, electronic content programs distributing and returning center server 101 receives return confirmation information in S811. When return condition is satisfied, the center server instructs erasure of the content program in S812. In response, kiosk returning terminal 110 performs content program erasing process in S721. Content program erasure refers to overwriting of card management information so as to make it impossible to read the content program” where the claimed “characteristic information” is the referenced “card management information” and the claimed “client” is the referenced “kiosk returning terminal.”

Takano teaches “*and (e) deleting the usage information of the information recording medium based on the characteristic information,*” see par. 82, “Content program erasure refers to overwriting of card management information so as to make it impossible to read the content program” where the claimed “characteristic information” is the referenced “card management information” and the claimed “usage information”, as shown in par. 78, “Card management information stores a title, a rental due date and the like”, is included in the referenced “card management information.”

10. Takano teaches “*A computer-readable recording medium, comprising: a part for storing a program for causing a client computer to execute a method, the method comprising the*

steps of," see Fig. 4 and par. 55, "Electronic content programs distributing and returning center server 101 incorporates a program for distributing and returning electronic content programs on a server computer."

Takano teaches "*providing an information recording medium having characteristic information and other information recorded thereon, the characteristic information identifying the information recording medium,*" see Figs. 7, 11, par. 78, "First, in step S701, a card ID and management information in card 150 are read," par. 91, "The card 150 includes... management information storing unit 1103 recording rental management information," and par. 93, "More specifically, management information storing unit 1103 stores... management information (file name, title, due date, a reproduction key, storage location of content program data and the like)" where the claimed "characteristic information" is the referenced "card ID" and the claimed "other information" is the referenced "file name, title, due date... and the like."

Takano teaches "*subsequently, obtaining the characteristic information of the information recording medium,*" see Fig. 7 and par. 78, "First, in step S701, a card ID and management information in card 150 are read" where the claimed "client" is the referenced "kiosk returning terminal" 110.

Takano teaches "*requesting a server... to provide information and transmitting the characteristic information to the server so that the server obtains usage information of the information recording medium,*" see Figs. 1, 13, par. 98, "When the electronic content program is returned at a kiosk returning terminal 110, the user inserts a card, and from the card ID... the user is identified. Thus, the electronic content programs distributing and returning center server [Fig. 1, 101] looks for the user information (FIG. 13) to determine whether the user is a member

of the package rental,” and par. 97, “Further, a membership database of the members renting content program information is stored in the form of the user information of FIG. 13, that includes... a card ID,” which shows that the “server” 101 receives the “card ID” from the “client” 110 in order to lookup the member in the table of Fig. 13.

Takano teaches *“receiving a first information based on the usage information from the server,”* see Fig. 7, par. 81, “Returning to FIG. 7, kiosk returning terminal 110 that has received in S703 the information transmitted in S806,” and par. 80, “In S805, a customized list is taken out, from preference ID data prepared based on the use history record of the user, from management data recording apparatus 408. In S806, the data thus prepared is transmitted through kiosk management server 170 to kiosk returning terminal 110.”

Takano teaches *“and subsequently, reproducing the other information recorded on the information recording medium in accordance with the first information based on the usage information,”* see Fig. 7 and par. 81, “Returning to FIG. 7, kiosk returning terminal 110 that has received in S703 the information transmitted in S806 displays the data on display unit 203 in S704.”

Takano teaches *“wherein the other information reproduced by the client computer is recorded on the information recording medium before said providing step,”* see Fig. 7, S704, “If necessary, display user name, program title, usage period, additional fee information, return confirmation button, additional fee payment button, customized list,” where the referenced “title” was recorded on the recording medium prior to Fig. 7, S701, see par. 78, “First, in step S701, a card ID and management information in card 150 are read. Card management information stores a title, a rental due date and the like.”

Takano does not teach “*a server, directly connected to the client computer via a network.*” Harada does, however, see Figs. 1-2 and par. 104, “The digital work protection system 100, as shown in FIG. 1, is composed of a content distribution server apparatus 200, a personal computer (PC) 300, a portable memory card 400, and a headphone stereo 500. The PC 300 is connected to the content distribution server apparatus 200 via the Internet 10.” Thus, it would have been obvious to one of ordinary skill in the database art at the time of the invention to combine the teachings of the cited references because Harada’s teachings would have allowed Takano’s method to make hacking more difficult, see pars. 13-14.

Response to Arguments

As per Applicant’s argument that claims 1-2, 5, 7, and 10 comply with the written description requirement, the Examiner respectfully disagrees. Applicant’s arguments are a general allegation that the claims comply with 35 U.S.C. 112 without specifically pointing out how the specification supports the rejected claim language. Fig. 1 does not show the missing limitations and the reference to “pages 11+” is not specific enough to overcome the rejection.

As per Applicant’s argument that Takano does not teach “*providing the client/server system where a client is directly connected to a server via a network,*” the Examiner agrees. However, the kiosk management server 170 is not a necessary feature of Takano’s invention. For example, par. 79 states, “At this time, kiosk management server 170 performs an operation of relaying the data, and records the fact that kiosk returning terminal 110 is used. Based on the record, an owner of the kiosk management server 170 and/or kiosk returning terminal 110 charges/pays the amount in accordance with the frequency of use to the owner of electronic

content programs distributing and returning center server 101.” Here, server 170 only “records the fact that kiosk returning terminal 110 is used,” which could easily be done at server 101.

Another example is at par. 81 which states, “When payment of additional fee is selected in S 705, an additional fee payment process takes place in S 711. This is performed by credit card payment at the electronic content programs distributing and returning center server 101 or credit card payment at the kiosk management server 170 and, thereafter, when payment of the additional fee is finished as a result of the payment processing, return confirmation is possible. Here again, the kiosk management server 170 records the payment finished state, as the data for adjusting use fees between the owners.” Server 170 records certain financial transactions but is primarily used to relay information between server 101 and client 110. Its functions could easily be performed at server 101.

In fact, this relay makes Takano’s system more susceptible to hackers. Thus, in view of Harada’s teaching that the client and server are directly connected, see Figs. 1-2 and par. 104, and Harada’s motivation that hacking would be more difficult when there are fewer places to penetrate the system, it would have been obvious to one of ordinary skill in the database art at the time of the invention to combine the teachings of the cited references.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to AARON SANDERS whose telephone number is (571)270-1016. The Examiner can normally be reached on M-F 9:00a-5:00p.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Tim Vo can be reached on 571-272-3642. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Tim T. Vo/
Supervisory Patent Examiner, Art Unit
2168

/Aaron Sanders/
Examiner, Art Unit 2168
27 August 2008